

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Wednesday
January 4, 2006

Pursuant to the provisions of Article 5, Part 1, Section 1 of the Constitution and the laws of the State of Maine, the Senate convened in the Senate Chamber at ten o'clock in the morning and was called to order by President **BETH EDMONDS** of Cumberland County.

Prayer by Reverend Dr. Beth Pendleton Clark of the South Paris Congregational Church in Augusta.

REVEREND CLARK: Shall we join in prayer? Living and loving God, our Creator and our Sustainer, the very one who has brought us together at this time and place, we thank You that You are always available to grant us inner strength to face the challenges of the day. Help us to remember that we are all learners. No one is perfect. No one knows all the answers. We are learners, and consequently, we need to keep an open mind. You have taught us that there is always a need for humility. Abraham Lincoln was known for his humility and so was Ed Muskie. To learn and grow requires a spirit of acceptance and willingness to look at alternatives. New ideas and new ways of doing things can keep us from becoming rusty or atrophied. There are issues and questions greater than we can solve. Give us insight, new concepts of ways we can resolve our differences. Grant us the wisdom necessary to go forward and not too quickly to reject new ideas.

Compassionate God, we bring to You our concern for our troubled world. May the nations of the world seek peace based on cooperation and sharing more than just relief from warfare. We pray for the victims of senseless violence, those who are killed or wounded, those who mourn them, and those who have learned to fear. We pray for those who labor, that they may receive just wages for their work. We pray for those who have no work, that You may encourage them in their struggle. Oh God, grant all workers that they may be found faithful and so gain genuine joy and satisfaction in their efforts. True peace will be theirs. Amen.

Pledge of Allegiance led by Senator Arthur F. Mayo, III of Sagadahoc County.

Doctor of the day, Ray Nichols, M.D. of Jonesport.

Off Record Remarks

QUORUM CALL

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#302)

PRESENT Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, NASS, NUTTING, PERRY, PLOWMAN, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOW-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

31 Senators having answered the Roll, the Chair declared a quorum present.

THE PRESIDENT: As the Second Session of the 122nd Legislature begins today, I want to briefly look back at our accomplishments in 2005. Over 450 laws were enacted as a result of our work. We approved education funding, a balanced budget, and bonds to improve Maine's future plus a host of other bills to benefit Mainers from Kittery to Fort Kent.

Now we must look forward to our challenges as responsible representatives of Maine people in this Second Session. Our unfinished business from this past spring includes 161 bills carried over in committee and 72 bills on the Appropriations Table. In addition the Legislative Council approved 210 emergency bills. The latter are truly emerging issues that demand our immediate attention. We also know of 64 agency bills. We have a total of 507 to consider between now and early April. This workload is slightly higher than in recent Second Sessions. The 120th Legislature had 362 bills before it at the start of the Second Session. The 121st had a total of 363. If we are to complete our work in a timely fashion we must begin making hard decisions from the start. I am confident we can and will do so.

It's another cold winter in Maine and our first order of business is to take good care of our own. Today we will take up the Governor's proposal to appropriate \$5 million to supplement the low income heating assistance program, LIHEAP. There has been no increase in Federal support in LIHEAP so we must make emergency action in the Legislature to support this need.

Next, we must move quickly in a bi-partisan fashion, addressing the needs of all Maine people. As we start this session, the state Revenue Forecasting Committee estimates a budget surplus of \$164 million. We must make hard choices and be fiscally responsible with these funds, staying within the spending caps we enacted in the last year.

First, we must set aside funds for a rainy day in the state Budget Stabilization Fund. Some of the surplus should be invested in economic development. We have an opportunity to assist in the creation of more well-paying jobs. This presents an excellent opening to enhance research and development and education, promising a bright future for Maine people.

Finally, we can pay some of our bills with this surplus. The state government has obligations from education to hospitals that need to be met. Once we take a hard look at the demands before us, this surplus will rapidly be spoken for. There is no spending spree on the horizon. I am sure you will agree we must continue to be frugal caretakers of taxpayer dollars.

There is much more to be done, so I'll spare the details so we can get to work. The session before us is about to move forward effectively and efficiently. I truly look forward to working productively with all members of this Senate. I very much appreciate your commitment to the people of Maine by all your hard work and I'm just glad to see you all. It's good to be back with you and I look forward to our working together.

Off Record Remarks

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate on the Record.

Senator **DAVIS**: Thank you very much, Madame President, for your remarks and for the kind welcome. I'd like to say, from the Republican side, we are pleased to be back and it's very nice to see all our esteemed colleagues to my left. We, too, will try to cooperate and work as bi-partisans. We agree fully that we should not be on a spending spree. We absolutely agree that we need to take care of the taxpayer's tax dollars. Absolutely. It is nice and thank you very much.

Out of order and under suspension of the Rules, on motion by Senator **BRENNAN** of Cumberland, the following Senate Order:
S.O. 45

ORDERED, that a message be sent to Governor John E. Baldacci, informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

READ and PASSED.

The Chair appointed the Senator from Cumberland, Senator **BRENNAN** to deliver the message to the Governor. The Sergeant-At-Arms escorted the Senator to the Governor's Office.

Subsequently, the Senator from Cumberland, Senator **BRENNAN** reported that he had delivered the message with which he was charged.

Out of order and under suspension of the Rules, on motion by Senator **GAGNON** of Kennebec, the following Senate Order:
S.O. 46

ORDERED, that a message be sent to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator **GAGNON** to deliver the message to the House of Representatives. The Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Kennebec, Senator **GAGNON** reported that he had delivered the message with which he was charged.

COMMUNICATIONS

The Following Communication: S.P. 653

**122ND MAINE SENATE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

December 15, 2005

Hon. Beth Edmonds
President of the Senate
122nd Legislature

Hon. John Richardson
Speaker of the House
122nd Legislature

Dear Madam President and Mr. Speaker:

On December 15, 2005, 5 bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 15, 2005, as follows:

Business, Research and Economic Development

Bill "An Act To Continue the Tourism Cooperative Marketing Fund" (S.P. 652) (L.D. 1698) (Sponsored by Senator BROMLEY of Cumberland) (Cosponsored by Representative SMITH of Monmouth) (Submitted by the Department of Economic and Community Development pursuant to Joint Rule 204.)

Inland Fisheries and Wildlife

Bill "An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Allow the Operation of Snowmobiles Registered outside the State at Special Events Occurring in the State" (EMERGENCY) (S.P. 649) (L.D. 1695) (Sponsored by Senator MARTIN of Aroostook) (Cosponsored by Representative: PARADIS of Frenchville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Marine Resources

Bill "An Act Regarding the Appointment of Harbor Masters" (S.P. 651) (L.D. 1697) (Sponsored by Senator HASTINGS of Oxford) (Cosponsored by Representative HAMPER of Oxford and Senators: DAVIS of Piscataquis, WESTON of Waldo, Representative: MILLETT of Waterford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

State and Local Government

Bill "An Act To Allow the Towns of Mapleton, Castle Hill and Chapman To Deposit All Tax Revenues, Grant Revenues and Other Income and Revenues into One Depository Account" (S.P. 648) (L.D. 1694) (Sponsored by Senator MARTIN of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Transportation

Bill "An Act To Clarify the Assessment of Costs To Maintain a Private Way or Bridge" (S.P. 650) (L.D. 1696) (Sponsored by Senator DIAMOND of Cumberland) (Cosponsored by Representative BRYANT of Windham and Representative: PLUMMER of Windham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.P. 734

**122ND MAINE LEGISLATURE
OFFICE OF THE SECRETARY
AUGUSTA, MAINE 04333**

December 28, 2005

Hon. Beth Edmonds
President of the Senate
122nd Legislature

Hon. John Richardson
Speaker of the House
122nd Legislature

Dear Madam President and Mr. Speaker:

On December 28, 2005, 68 bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 28, 2005, as follows:

Agriculture, Conservation and Forestry

Bill "An Act To Establish the Maine Agricultural Drought Protection Act" (EMERGENCY) (S.P. 693) (L.D. 1776) (Sponsored by Senator WESTON of Waldo) (Cosponsored by Senators: DAVIS of Piscataquis, RAYE of Washington, Representative: CARR of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act Regarding Certain Easements across State Park Land" (S.P. 704) (L.D. 1787) (Sponsored by President EDMONDS of Cumberland) (Cosponsored by Representative WEBSTER of Freeport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Increase the Number of Members on the Board of Pesticides Control" (S.P. 708) (L.D. 1791) (Sponsored by Senator SULLIVAN of York) (Cosponsored by Senator: NUTTING of Androscoggin, Representative: PIOTTI of Unity) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Create a Maine Agricultural Water Source Development and Management Program" (EMERGENCY) (S.P. 720) (L.D. 1803) (Sponsored by Senator WESTON of Waldo) (Cosponsored by Senator: RAYE of Washington, Representative: CARR of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Appropriations and Financial Affairs

Bill "An Act To Provide Funding for the Construction of a Regional Career Vocational Center" (S.P. 654) (L.D. 1737) (Sponsored by Senator DIAMOND of Cumberland) (Cosponsored by Senators: NASS of York, WOODCOCK of Franklin, Representatives: CEBRA of Naples, TARDY of Newport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Business, Research and Economic Development

Bill "An Act Regarding Licensure Requirements for Nurses" (S.P. 669) (L.D. 1752) (Sponsored by Senator MARTIN of Aroostook) (GOVERNOR'S BILL) (Cosponsored by Representative PERRY of Calais and Senator: President EDMONDS of Cumberland, Representatives: CAIN of Orono, MARRACHÉ of Waterville)

Bill "An Act To Address Emergency Licensure Procedures" (S.P. 673) (L.D. 1756) (Sponsored by Senator BROMLEY of Cumberland) (Cosponsored by Representative SMITH of Monmouth and Senators: HOBBS of York, MAYO of Sagadahoc, SULLIVAN of York, Representatives: O'BRIEN of Lewiston, RECTOR of Thomaston) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Bill "An Act To Clarify the Charitable Solicitations Act" (S.P. 684) (L.D. 1767) (Sponsored by Senator HOBBS of York) (Cosponsored by Representative SMITH of Monmouth and Senators: MAYO of Sagadahoc, SULLIVAN of York, Representatives: PELLETIER-SIMPSON of Auburn, RECTOR of Thomaston) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Bill "An Act To Amend the Laws Governing Licensure of Workers in the Field of Radiologic Technology" (EMERGENCY) (S.P. 687) (L.D. 1770) (Sponsored by Senator BROMLEY of Cumberland) (Cosponsored by Representative SMITH of Monmouth and Senator: HOBBS of York, Representative: RECTOR of Thomaston) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Bill "An Act To Amend the Debt Collection Law" (S.P. 721) (L.D. 1804) (Sponsored by Senator SULLIVAN of York) (Cosponsored by Representative BRAUTIGAM of Falmouth and Senator: COWGER of Kennebec, Representatives: BOWLES of Sanford, PELLETIER-SIMPSON of Auburn) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Criminal Justice and Public Safety

Bill "An Act To Strengthen Maine's Timber Theft Laws" (S.P. 676) (L.D. 1759) (Sponsored by Senator NUTTING of Androscoggin) (Cosponsored by Senator: BRYANT of Oxford, Representative: BRYANT of Windham) (Submitted by the Department of Conservation pursuant to Joint Rule 204.)

Bill "An Act To Ensure the Authority of 'Do Not Resuscitate' Orders in Advance Health-care Directives" (EMERGENCY) (S.P. 680) (L.D. 1763) (Sponsored by Senator BRYANT of Oxford) (Cosponsored by Representative BRYANT of Windham and Representatives: DUPLESSIE of Westbrook, HOTHAM of Dixfield, PATRICK of Rumford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Amend the Maine Criminal Code and Various Provisions Related to Juveniles" (S.P. 688) (L.D. 1771) (Sponsored by Senator DIAMOND of Cumberland) (Cosponsored by Senator: BRYANT of Oxford, Representatives: BRYANT of Windham, PATRICK of Rumford) (Submitted by the Department of Corrections pursuant to Joint Rule 204.)

Bill "An Act To Require Mandatory Training for Law Enforcement Officers and Prosecutors Regarding Interaction with People with Developmental Disabilities, Including Autism Spectrum Disorders" (S.P. 698) (L.D. 1781) (Sponsored by Senator BARTLETT of Cumberland) (Cosponsored by Senators: PERRY of Penobscot, RAYE of Washington, Representative: LERMAN of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Deter Environmental Terrorism in the State" (S.P. 706) (L.D. 1789) (Sponsored by Senator NUTTING of Androscoggin) (Cosponsored by Senator: DAVIS of Piscataquis, Representatives: CARR of Lincoln, FLOOD of Winthrop, JODREY

of Bethel, SAVIELLO of Wilton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Education and Cultural Affairs

Bill "An Act To Provide State Funding for the Fingerprinting of School Personnel" (S.P. 662) (L.D. 1745) (Sponsored by Senator COURTNEY of York) (Cosponsored by Representative CAMPBELL of Newfield and Senators: ANDREWS of York, SULLIVAN of York, Representatives: BABBIDGE of Kennebunk, BEAUDETTE of Biddeford, HOGAN of Old Orchard Beach, JACOBSEN of Waterboro, McCORMICK of West Gardiner, TRAHAN of Waldoboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Extend Tuition Waivers to Persons Who Have Resided in Subsidized Adoptive Care or Who Have Subsidized Guardians" (S.P. 672) (L.D. 1755) (Sponsored by Senator WESTON of Waldo) (Cosponsored by Representative CURLEY of Scarborough and Senator: ROSEN of Hancock) (Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.)

Bill "An Act To Further the Implementation of the Essential Programs and Services Funding Model" (S.P. 683) (L.D. 1766) (Sponsored by Senator MITCHELL of Kennebec) (Cosponsored by Representative NORTON of Bangor) (Submitted by the Department of Education pursuant to Joint Rule 204.)

Bill "An Act To Improve Early Childhood Special Education" (EMERGENCY) (S.P. 689) (L.D. 1772) (Sponsored by Senator MITCHELL of Kennebec) (Cosponsored by Senators: BRENNAN of Cumberland, MARTIN of Aroostook, TURNER of Cumberland, Representatives: CUMMINGS of Portland, DAVIS of Falmouth, MILLETT of Waterford, NORTON of Bangor) (Submitted by the Department of Education pursuant to Joint Rule 204.)

Bill "An Act Concerning Members of School Administrative Districts' Finance Committees" (S.P. 697) (L.D. 1780) (Sponsored by Senator BRYANT of Oxford) (Cosponsored by Representative BRYANT of Windham and Representative: PATRICK of Rumford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Promote Economic Development by Enhancing Educational Opportunities" (S.P. 702) (L.D. 1785) (Sponsored by Senator MITCHELL of Kennebec) (Under suspension of the rules, cosponsored by Representative NORTON of Bangor and Senators: BARTLETT of Cumberland, BRENNAN of Cumberland, COWGER of Kennebec, DAVIS of Piscataquis, MARTIN of Aroostook, MAYO of Sagadahoc, SCHNEIDER of Penobscot, TURNER of Cumberland, Representatives: BABBIDGE of Kennebunk, BLISS of South Portland, BOWLES of Sanford, BRAUTIGAM of Falmouth, CAIN of Orono, CRAVEN of Lewiston, CUMMINGS of Portland, CURTIS of Madison, DAVIS of Falmouth, DUPLESSIE of Westbrook, EDGEOMB of Caribou, FINCH of Fairfield, FLETCHER of Winslow, GERZOFKY of Brunswick, MAKAS of Lewiston, MILLETT of Waterford, NASS of Acton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act Concerning the Implementation of Cuts in Child Development Services" (S.P. 707) (L.D. 1790) (Sponsored by Senator WESTON of Waldo) (Cosponsored by Senator RAYE of Washington and Senators: DAVIS of Piscataquis, PLOWMAN of Penobscot, Representative: STEDMAN of Hartland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act Regarding Standardized Testing in Maine" (EMERGENCY) (S.P. 715) (L.D. 1798) (Sponsored by Senator BRENNAN of Cumberland) (Cosponsored by Representative CLARK of Millinocket, Representative SAVIELLO of Wilton and Senator: WESTON of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Health and Human Services

Bill "An Act To Allow the Department of Health and Human Services To Locate Parents Who Are Delinquent in Child Support Payments through Information Related to Cellular Telephones" (EMERGENCY) (S.P. 660) (L.D. 1743) (Sponsored by Senator PLOWMAN of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Amend Certain Requirements in the ASPIRE-TANF Program" (S.P. 663) (L.D. 1746) (Sponsored by Senator MARTIN of Aroostook) (Cosponsored by Representative O'BRIEN of Lewiston and Representative: MILLER of Somerville) (Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.)

Bill "An Act To Set a Maximum on Penalties Imposed for Licensing Violations by Eating Establishments, Eating and Lodging Places, Lodging Places, Recreational Camps or Camping Areas" (S.P. 670) (L.D. 1753) (Sponsored by Senator COWGER of Kennebec) (Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.)

Bill "An Act To Give the Commissioner of Health and Human Services Administrative Subpoena Authority" (S.P. 671) (L.D. 1754) (Sponsored by Senator HOBBS of York) (Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.)

Bill "An Act To Improve the MaineCare Program" (S.P. 674) (L.D. 1757) (Sponsored by Senator MAYO of Sagadahoc) (Cosponsored by Representative WALCOTT of Lewiston and Senator: BRENNAN of Cumberland, Representative: CURLEY of Scarborough) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Amend the Maine Health Data Organization Laws Regarding Dental Services" (S.P. 677) (L.D. 1760) (Sponsored by Senator MAYO of Sagadahoc) (Cosponsored by Representative MILLER of Somerville and Representative: LERMAN of Augusta) (Submitted by the Maine Health Data Organization pursuant to Joint Rule 204.)

Bill "An Act To Conform the Certificate of Need Law to Industry Standards" (EMERGENCY) (S.P. 701) (L.D. 1784) (Sponsored by Senator ROSEN of Hancock) (Cosponsored by Representative: LEWIN of Eliot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Insurance and Financial Services

Bill "An Act To Prevent Elder and Dependent Adult Financial Abuse" (S.P. 699) (L.D. 1782) (Sponsored by Senator MAYO of Sagadahoc) (Cosponsored by Representative PERRY of Calais and Senators: BRENNAN of Cumberland, BRYANT of Oxford, President EDMONDS of Cumberland, SULLIVAN of York, Representatives: BRAUTIGAM of Falmouth, BRYANT of Windham, CUMMINGS of Portland, GLYNN of South Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Amend the Maine Consumer Credit Code as It Relates to Finance Charges for Loans on Open-end Credit" (S.P. 700) (L.D. 1783) (Sponsored by Senator SULLIVAN of York) (Under suspension of the rules, cosponsored by Representative PERRY of Calais and Senators: MAYO of Sagadahoc, MILLS of Somerset, Representatives: BABBIDGE of Kennebec, GLYNN of South Portland, LINDELL of Frankfort, MARRACHÉ of Waterville, McKANE of Newcastle, PILON of Saco, RICHARDSON of Warren, VAUGHAN of Durham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Amend the Maine Insurance Guaranty Association Act" (S.P. 718) (L.D. 1801) (Sponsored by Senator SULLIVAN of York) (Cosponsored by Representative PERRY of Calais and Representatives: GLYNN of South Portland, McKANE of Newcastle, PILON of Saco, VAUGHAN of Durham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Judiciary

Bill "An Act To Encourage Reporting of Potential Fraud in State Government" (S.P. 658) (L.D. 1741) (Sponsored by Senator SCHNEIDER of Penobscot) (Cosponsored by Representative SMITH of Monmouth and Senators: BRENNAN of Cumberland, DAMON of Hancock, Representatives: CAIN of Orono, CUMMINGS of Portland, DUNN of Bangor, PERCY of Phippsburg) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Protect Children from Contact with Convicted Sex Offenders" (S.P. 695) (L.D. 1778) (Sponsored by Senator PERRY of Penobscot) (Cosponsored by Senators: BROMLEY of Cumberland, SULLIVAN of York, Representatives: FISHER of Brewer, RECTOR of Thomaston, THOMPSON of China) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Amend the Fees for Probate Filings" (S.P. 717) (L.D. 1800) (Sponsored by Senator WESTON of Waldo) (Cosponsored by Representative: CUMMINGS of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Labor

Bill "An Act To Assist Maine Military Families" (EMERGENCY) (S.P. 664) (L.D. 1747) (Sponsored by Senator SCHNEIDER of Penobscot) (Cosponsored by Representative FISHER of Brewer and Senators: BRENNAN of Cumberland, DAMON of Hancock, Representatives: CAIN of Orono, CUMMINGS of Portland, DUNN of Bangor, FAIRCLOTH of Bangor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Require the Maine State Retirement System To Divest Itself of Certain Holdings" (S.P. 675) (L.D. 1758) (Sponsored by Senator STRIMLING of Cumberland) (Cosponsored by Representative: PELLETIER-SIMPSON of Auburn) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Improve the Maine Enterprise Option Program" (S.P. 711) (L.D. 1794) (Sponsored by Senator BARTLETT of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Legal and Veterans Affairs

Bill "An Act To Make Technical Changes to the Gambling Laws" (S.P. 665) (L.D. 1748) (Sponsored by Senator GAGNON of Kennebec) (Submitted by the Department of Public Safety pursuant to Joint Rule 204.)

Marine Resources

Bill "An Act To Amend the Statutes Governing the Commercial Fishing Safety Council" (S.P. 681) (L.D. 1764) (Sponsored by Senator DAMON of Hancock) (Cosponsored by Representative PERCY of Phippsburg and Senators: ANDREWS of York, SULLIVAN of York, Representatives: MAZUREK of Rockland, KAELIN of Winterport, DUGAY of Cherryfield, PINGREE of North Haven, ASH of Belfast, BOWEN of Rockport) (Submitted by the Department of Marine Resources pursuant to Joint Rule 204.)

Bill "An Act to Allow Dragging in Lower Taunton Bay" (EMERGENCY) (S.P. 703) (L.D. 1786) (Sponsored by Senator DAMON of Hancock) (Cosponsored by Representative PERCY of Phippsburg and Representative: KAELIN of Winterport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Natural Resources

Bill "An Act To Prevent Motor Fuel Spills from Aboveground Storage Tanks That Have Underground Piping" (S.P. 685) (L.D. 1768) (Sponsored by Senator COWGER of Kennebec) (Cosponsored by Representative DUCHESNE of Hudson) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.)

Bill "An Act To Improve the Water Quality and Safety of Phillips Lake" (S.P. 691) (L.D. 1774) (Sponsored by Senator ROSEN of Hancock) (Cosponsored by Representative HALL of Holden and Senators: DAVIS of Piscataquis, MAYO of Sagadahoc, Representatives: BRANNIGAN of Portland, FISHER of Brewer,

ROSEN of Bucksport) (Approved for introduction by a majority of the Legislative Council Pursuant to Joint Rule 203.)

Resolve, To Direct the Department of Environmental Protection To Consolidate the Management of Solid Waste (S.P. 694) (L.D. 1777) (Sponsored by Senator COWGER of Kennebec) (Cosponsored by Representative KOFFMAN of Bar Harbor and Senator: MARTIN of Aroostook, Representatives: DUCHESNE of Hudson, MOULTON of York) (Approved for introduction by a majority of the Legislative Council Pursuant to Joint Rule 203.)

Bill "An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats" (S.P. 709) (L.D. 1792) (Sponsored by Senator MARTIN of Aroostook) (Cosponsored by Representative KOFFMAN of Bar Harbor and Representatives: EBERLE of South Portland, THOMPSON of China) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Ensure the Long-term Capacity of Municipal Landfills" (EMERGENCY) (S.P. 712) (L.D. 1795) (Sponsored by Senator COWGER of Kennebec) (Cosponsored by Representative KOFFMAN of Bar Harbor and Senator: SNOWE-MELLO of Androscoggin, Representative: DUCHESNE of Hudson) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Sustain Good Local Planning Practices" (EMERGENCY) (S.P. 719) (L.D. 1802) (Sponsored by President EDMONDS of Cumberland) (Cosponsored by Representative WEBSTER of Freeport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

State and Local Government

Bill "An Act To Amend the Law Governing Warrant Funding for Education" (S.P. 659) (L.D. 1742) (Sponsored by Senator SCHNEIDER of Penobscot) (Cosponsored by Representative NORTON of Bangor and Senators: MITCHELL of Kennebec, TURNER of Cumberland, Representatives: DAVIS of Falmouth, EDGECOMB of Caribou, FINCH of Fairfield, GOLDMAN of Cape Elizabeth, LANSLEY of Sabattus, MERRILL of Appleton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act Authorizing the Deorganization of Drew Plantation" (S.P. 679) (L.D. 1762) (Sponsored by Senator RAYE of Washington) (Cosponsored by Representative: McLEOD of Lee) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Strengthen the State Purchasing Code of Conduct Laws" (S.P. 686) (L.D. 1769) (Sponsored by Senator ROTUNDO of Androscoggin) (Cosponsored by Senator: President EDMONDS of Cumberland, Representatives: BARSTOW of Gorham, CUMMINGS of Portland) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Bill "An Act To Increase Certain Fees Paid for Service of Writs and Complaints" (S.P. 696) (L.D. 1779) (Sponsored by Senator DAVIS of Piscataquis) (Cosponsored by Senators: DAMON of Hancock, NASS of York, SNOWE-MELLO of Androscoggin, WESTON of Waldo, Representatives: BOWLES of Sanford, CARR of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Confirm the Authority of the City of Saco To Acquire Extraterritorial Facilities" (S.P. 705) (L.D. 1788) (Sponsored by Senator HOBBS of York) (Cosponsored by Representative TWOMEY of Biddeford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Taxation

Bill "An Act To Clarify the Taxable Status of Lobster Traps" (S.P. 656) (L.D. 1739) (Sponsored by Senator ANDREWS of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Clarify the Taxable Status of Processing Fees Charged in Connection with Cancelled Lodging Reservations" (S.P. 666) (L.D. 1749) (Sponsored by Senator COWGER of Kennebec) (Cosponsored by Representative KOFFMAN of Bar Harbor and Senators: DAMON of Hancock, MAYO of Sagadahoc, Representatives: McCORMICK of West Gardiner, SCHATZ of Blue Hill) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act Concerning Technical Changes to the Tax Laws" (S.P. 668) (L.D. 1751) (Sponsored by Senator PERRY of Penobscot) (Cosponsored by Representative WOODBURY of Yarmouth and Representative: McCORMICK of West Gardiner) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Bill "An Act To Offer Financial Institutions an Option for Payment of the Maine Franchise Tax" (S.P. 678) (L.D. 1761) (Sponsored by Senator PERRY of Penobscot) (Cosponsored by Representative: DUGAY of Cherryfield) (Submitted by the Department of Economic and Community Development pursuant to Joint Rule 204.)

Bill "An Act To Establish a Refundable Historic Rehabilitation Credit" (S.P. 692) (L.D. 1775) (Sponsored by Senator MITCHELL of Kennebec) (Cosponsored by Representative LERMAN of Augusta and Senators: GAGNON of Kennebec, PERRY of Penobscot, Representatives: BROWNE of Vassalboro, DAVIS of Augusta) (Approved for introduction by a majority of the Legislative Council Pursuant to Joint Rule 203.)

Bill "An Act To Ensure the Continued Viability of Affordable Housing" (S.P. 713) (L.D. 1796) (Sponsored by Senator PERRY of Penobscot) (Cosponsored by Representative CLOUGH of Scarborough and Senator: STRIMLING of Cumberland, Representatives: HUTTON of Bowdoinham, LERMAN of Augusta, MILLER of Somerville, WATSON of Bath) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Clarify the Qualifications for the Maine Residents Property Tax Program" (EMERGENCY) (S.P. 714) (L.D. 1797) (Sponsored by Senator SULLIVAN of York) (Cosponsored by Representative HUTTON of Bowdoinham and Senators: COURTNEY of York, PERRY of Penobscot, Representative: WOODBURY of Yarmouth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Exempt Snow Grooming Equipment and Machinery from the Personal Property Tax" (S.P. 716) (L.D. 1799) (Sponsored by Senator DAVIS of Piscataquis) (Cosponsored by Senators: DAMON of Hancock, HASTINGS of Oxford, PLOWMAN of Penobscot, SNOWE-MELLO of Androscoggin, WESTON of Waldo, WOODCOCK of Franklin, Representatives: BOWLES of Sanford, CARR of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Transportation

Bill "An Act To Amend the Laws Governing Ferry Service Travel for Individuals with Catastrophic Illness" (EMERGENCY) (S.P. 655) (L.D. 1738) (Sponsored by Senator SAVAGE of Knox) (Cosponsored by Representative MAZUREK of Rockland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Amend Certain Transportation Laws" (S.P. 667) (L.D. 1750) (Sponsored by Senator DAMON of Hancock) (Cosponsored by Representative MARLEY of Portland and Senator: SAVAGE of Knox, Representative: McKENNEY of Cumberland) (Submitted by the Department of Transportation pursuant to Joint Rule 204.)

Bill "An Act To Require Insurance Companies To Notify the Secretary of State when a Motor Vehicle Has Been Insured" (S.P. 682) (L.D. 1765) (Sponsored by Senator COWGER of Kennebec) (Cosponsored by Representative BURNS of Berwick, Representative MARLEY of Portland) (Approved for introduction by a majority of the Legislative Council Pursuant to Joint Rule 203.)

Bill "An Act To Improve the Process for Issuing Duplicate Motor Vehicle Certificates of Title" (S.P. 690) (L.D. 1773) (Sponsored by Senator BROMLEY of Cumberland) (Cosponsored by Senator: DAMON of Hancock, Representative: FISHER of Brewer) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act To Prevent Noise and Air Pollution in the Town of Oakland" (S.P. 710) (L.D. 1793) (Sponsored by Senator MITCHELL of Kennebec) (Cosponsored by Representative CANAVAN of Waterville and Senators: DAMON of Hancock, GAGNON of Kennebec, Representatives: BRAUTIGAM of Falmouth, BROWNE of Vassalboro, KOFFMAN of Bar Harbor) (Approved for introduction by a majority of the Legislative Council Pursuant to Joint Rule 203.)

Utilities and Energy

Bill "An Act To Establish the Athens Standard Water District" (S.P. 657) (L.D. 1740) (Sponsored by Senator MILLS of Somerset) (Cosponsored by Representative: THOMAS of Ripley) (Approved for introduction by a majority of the Legislative Council Pursuant to Joint Rule 203.)

Bill "An Act To Create the Washburn Water and Sewer District" (S.P. 661) (L.D. 1744) (Sponsored by Senator MARTIN of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

Sent down for concurrence.

The Following Communication: S.C. 447

**OFFICE OF THE PRESIDENT
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0003**

October 4, 2005

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary O'Brien,

Pursuant to my authority under Joint Rule 371, I am pleased to appoint Senator Philip Bartlett of Cumberland County to the Government Oversight Committee, the committee having oversight responsibility for the Office of Program Evaluation and Government Accountability. He will be replacing Senator Ken Gagnon of Kennebec who is no longer able to serve.

If you have any questions regarding this appointment, please contact my office.

Sincerely,

S/Beth Edmonds
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 463

**STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333**

December 15, 2005

Honorable Beth Edmonds
President of the Senate
3 State House Station
Augusta, ME 04333

Honorable John Richardson
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear President Edmonds and Speaker Richardson:

The following is a summary of the results of the November 8, 2005, Referendum Election, as derived from the accompanying copies of the Governor's Proclamations and the Secretary of State's Official Tabulation of the election results.

Question 1: People's Veto	
Number of Votes in Favor	181,926
Number of Votes Opposed	223,274

Question 2: Bond Issue	
Number of Votes in favor	270,486
Number of Votes Opposed	130,352

Question 3: Bond Issue	
Number of Votes in favor	228,970
Number of Votes Opposed	167,424

Question 4: Bond Issue	
Number of Votes in favor	232,563
Number of Votes Opposed	165,607

Question 5: Bond Issue	
Number of Votes in Favor	259,475
Number of Votes Opposed	140,469

Question 6: Bond Issue	
Number of Votes in favor	193,077
Number of Votes Opposed	195,939

Question 7: Constitutional Amendment	
Number Votes in favor	276,116
Number of Votes Opposed	109,508

Sincerely,

S/Matthew Dunlap
Secretary of State

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 453

**MAINE STATE LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY
AUGUSTA, MAINE 04333**

November 28, 2005
Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 640 An Act To Recognize the Importance of
Forestry

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John M. Nutting S/Rep. John F. Piotti
Senate Chair House Chair

READ and with accompanying papers **ORDERED PLACED ON
FILE.**

The Following Communication: S.C. 454

**MAINE STATE LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH
AND ECONOMIC DEVELOPMENT
AUGUSTA, MAINE 04333**

December 5, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1135 An Act To Safeguard Federalism in Trade

L.D. 1358 Resolve, To Establish the Commission To
Study Incentives That Foster Small Business
Practices That Support the Economic Growth
and Well-being of Maine People and
Communities

L.D. 1663 An Act To Establish the Maine Higher
Education Employer Initiative

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lynn Bromley S/Rep. Nancy E. Smith
Senate Chair House Chair

READ and with accompanying papers **ORDERED PLACED ON
FILE.**

The Following Communication: S.C. 455

**MAINE STATE LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES
AUGUSTA, MAINE 04333**

December 5, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 950 An Act To Allow the Shipment of Cigars into
Maine

L.D. 1208 Resolve, Regarding the Prevention of Suicide

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Arthur F. Mayo, III S/Rep. Hannah Pingree
Senate Chair House Chair

READ and with accompanying papers **ORDERED PLACED ON
FILE.**

The Following Communication: S.C. 456

**MAINE STATE LEGISLATURE
COMMITTEE ON JUDICIARY
AUGUSTA, MAINE 04333**

November 30, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 61 An Act To Authorize a Judge To Order Involuntary Commitment of a Person with Mental Illness Not Taking Prescribed Medication
- L.D. 1229 An Act To Strengthen the Enforcement of Divorce Decrees

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Barry J. Hobbins S/Rep. Deborah Pelletier-Simpson
Senate Chair House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 457

**MAINE STATE LEGISLATURE
COMMITTEE ON LABOR
AUGUSTA, MAINE 04333**

December 1, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1050 An Act To Promote Enforcement of Labor Laws Affecting Employers

L.D. 1604 An Act To Restructure the Unfunded Liability of the Maine State Retirement System

L.D. 1654 An Act To Prevent the Loss of Jobs through Outsourcing

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Ethan Strimling S/Rep. William J. Smith
Senate Chair House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 458

**MAINE STATE LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS
AUGUSTA, MAINE 04333**

November 16, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing committee on Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 234 An Act To Establish a Transparent Pricing Formula for Distilled Spirits

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Kenneth T. Gagnon S/John L. Patrick
Senate Chair House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 459

**MAINE STATE LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT
AUGUSTA, MAINE 04333**

October 3, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 798 An Act To Establish a Sunset on New State Agencies and Programs
- L.D. 925 An Act To Fairly Apportion the Cost of Sheriff Patrol Services
- L.D. 1230 An Act To Facilitate and Promote Regional Cooperation

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Christopher R. Barstow
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 460

**MAINE STATE LEGISLATURE
COMMITTEE ON TAXATION
AUGUSTA, MAINE 04333**

December 5, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1343 An Act To Simplify Rent and Property Tax Relief
- L.D. 1400 An Act To Reduce Payments under the Business Equipment Tax Reimbursement Program and To Eliminate Double Dipping and Increase Conformity with the Internal Revenue Code
- L.D. 1594 An Act To Provide an Income Tax Exemption to Recent College Graduates Who Work in Maine To Help Them Pay College Loans

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 461

**MAINE STATE LEGISLATURE
COMMITTEE ON TRANSPORTATION
AUGUSTA, MAINE 04333**

September 19, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 128 An Act To Create a License Plate for the Elks Organization
- L.D. 419 An Act To Create a License Plate for the National Rifle Association
- L.D. 437 An Act To Create an Agriculture Recognition License Plate
- L.D. 492 An Act To Create a Special Higher Education License Plate

L.D. 1396 An Act To Create a Specialty License Plate for Members of the Maine National Guard

L.D. 1430 An Act To Establish Special License Plates To Honor Maine Residents Serving Overseas

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dennis S. Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 462

**MAINE STATE LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY
AUGUSTA, MAINE 04333**

December 8, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 207 An Act To Require Electric Utilities To Permit Customers To Pay Electric Utility Bills in Their Communities

L.D. 407 An Act To Place the Emergency Services Communication Bureau within the Department of Public Safety

L.D. 1347 Resolve, Directing the Public Utilities Commission To Amend Its Rules Governing Net Energy Billing

L.D. 1377 An Act Regarding Municipally Owned Street Lighting

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Philip L. Bartlett II
Senate Chair

S/Rep. Lawrence Bliss
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 446

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

September 26, 2005

Honorable Joy J. O'Brien
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0003
Dear Secretary O'Brien,

Enclosed please find a certified copy of Resolution Number 07-25-05-01 of the Houlton Band of Maliseet Indians Council certifying its agreement of P.L. 2005, c. 310. This document is being forwarded to you pursuant to the provisions of Title 3, Section 601.

Sincerely,

S/Julie L. Flynn
Deputy Secretary of State

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 448

**STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL
REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0035**

November 30, 2005

The Honorable Beth Edmonds, President
Maine State Senate
3 State House Station
Augusta, ME 04333-0003

RE: Annual Report on Charitable Fundraising Activity

Dear President Edmonds:

Pursuant to the Charitable Solicitations Act, 9 MRSA, §5010, enclosed please find the Annual Report on the 2004 fundraising activity of charitable organizations registered in the State of Maine. Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

S/Christine A. Bruenn
Commissioner

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 449

**STATE OF MAINE
DEPARTMENT OF LABOR
19 UNION STREET, P.O. BOX 259
AUGUSTA, MAINE 04332-0259**

October 1, 2005

The Honorable Beth Edmonds, President
Maine State Senate
3 State House Station
Augusta, ME 04333-0003

Dear President Edmonds:

In accordance with Title 5, M.R.S.A., §13070-J, we are pleased to submit the "agency report" for the Governor's Training Initiative (GTI). GTI has been instrumental in the creation and retention of high skill, quality employment for Maine residents since its inception in 1996.

In calendar year 2004, thirty nine companies received GTI reimbursement payments totaling \$10,000 or more. The attached report lists the amounts paid and the anticipated job growth and retention associated with those funds. Because the GTI funding cycle is spread over a two-year period, funds related to the Economic Development Incentive Report (EDIR) reporting requirements for calendar year 2004 may be associated with GTI contract allocations spanning three funding cycles (program years 2002, 2003 and 2004).

Statistics included in this report indicate the public benefit derived from GTI assistance, including actual private dollars leveraged via company match for direct training related activity. A short selection of company comments has been provided representative of responses received regarding company and public benefit.

GTI ensures that the needs of small firms are addressed via the scoring process, and requires applicants to identify the public benefit resulting from proposed training projects. GTI continues to be a primary vehicle for achieving sustainable long-term economic growth for Maine. Incumbent and new hire worker training continue to be referenced in numerous benchmarks of the "Measures of Growth" report submitted annually by the Maine Economic Growth Council.

Sincerely,

S/Laura A. Fortman
Commissioner

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 450

**CITIZEN TRADE POLICY COMMISSION
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

The Honorable Beth Edmonds, President
Maine Senate

The Honorable John Richardson, Speaker
Maine House of Representatives

Maine State Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Public Law 2003, c.699, the Citizen Trade Policy Commission is pleased to submit its first annual report. Copies of the report have been placed on file with the law and Legislative Reference Library.

Sincerely,

S/Senator Margaret Rotundo
Senate Chair

S/Representative John Patrick
House Chair
Citizen Trade Policy Commission

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 451

**122ND MAINE STATE LEGISLATURE
TASK FORCE TO STUDY MAINE'S HOMELAND
SECURITY NEEDS
AUGUSTA, MAINE 04333**

December 16, 2005
The Honorable Beth Edmonds, President
Maine State Senate

The Honorable John Richardson, Speaker
Maine House of Representatives

State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Resolve 2005, Chapter 126, the Task Force to Study Maine's Homeland Security Needs is pleased to submit its interim report. Copies of the report have been placed on file with the Law and Legislative Reference Library.

Sincerely,

S/Senator Ethan Strimling
Senate Chair

S/Representative Stan Gerzofsky
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 452

**STATE OF MAINE
MAINE REVENUE SERVICES
24 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

October 1, 2005

Senate President Edmonds
Speaker of the House Richardson
Members of the 122nd Maine Legislature

Pursuant to 5 MRSA Section 13070-J, the State Tax Assessor is required to submit a report to the legislature identifying the amount of revenues foregone as the result of the Jobs and Investment Tax Credit (JITC), the Research Expense Tax Credit (R&D), the Seed Capital Investment Tax Credit, the shipbuilding Facility Credit, and public funds spent on the Business Property Tax Reimbursement Program (BETR). Attached are four reports providing you with this information.

The first table lists corporations that reduced their Maine income tax liability with the JITC, the R&D credit, and/or the Seed Capital credit in tax year 2003, as well as the value of the credits. Table II lists the number of individual filers that reduced their Maine income tax liability with the JITC, the R&D credit, and/or the Seed Capital credit in tax year 2003. Tax year 2003 is the last year for which we have full information on both corporate and individual filers. Statutes governing the release of confidential taxpayer information prevent us from reporting the names of the corporations or individuals that benefited from these tax credits.

The third attachment explains the Shipbuilding Facility credit. As required by statute the report provides information on the level of employment, yearly investment and the cumulative amount of investment. Since the inception of the credit, the level of employment has been such that the annual cost to the state treasury has exceeded the base credit amount of \$3 million per year.

The fourth attachment is a computer printout of BETR recipients. For purposes of this report, businesses that filed for reimbursement during calendar year 2004 are listed. BETR

recipients filed between August 1, 2004 and December 31, 2004 for eligible property taxes paid during calendar year 2003. For that period the state reimbursed \$74.1 million to 1,764 companies.

Of the 1,764 businesses that received a BETR reimbursement, 444 received a reimbursement of \$10,000 or more, requiring them to file an Economic Development Incentive Report with DECD. Firms receiving a BETR reimbursement greater than or equal to \$10,000 represent 25% of recipients and 96% of the total BETR expenditure in calendar year 2003.

If you have any questions on this report please do not hesitate to contact me.

Sincerely,

S/Jerome D. Gerard

READ and with accompanying papers ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

SENATE PAPERS

Bill "An Act To Maintain Standards for the Plumbing Profession"
S.P. 723 L.D. 1923

Sponsored by President EDMONDS of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act Regarding Preferences in Bidding on Maine State Housing Authority Contracts"
S.P. 742 L.D. 1943

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Senator WESTON of Waldo, Representative SMITH of Monmouth and Senators: BARTLETT of Cumberland, DOW of Lincoln, Representatives: AUSTIN of Gray, BEAUDETTE of Biddeford, RECTOR of Thomaston.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Implement Certain Recommendations of the Washington County Economic Development Task Force"
S.P. 743 L.D. 1944

Sponsored by Senator RAYE of Washington.
Cosponsored by Representative DUGAY of Cherryfield and Senator: DAMON of Hancock, Representatives: EMERY of Cutler, McFADDEN of Dennysville, McLEOD of Lee, PERRY of Calais.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Maintain Standards for Consumers of Mechanical Services"

S.P. 733 L.D. 1933

Sponsored by President EDMONDS of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

On motion by Senator **BROMLEY** of Cumberland, **TABLED** Unassigned, pending **REFERENCE**.

Bill "An Act To Protect Victims of Domestic Violence"

S.P. 739 L.D. 1938

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative PELLETIER-SIMPSON of Auburn and Senators: BROMLEY of Cumberland, DAMON of Hancock, HASTINGS of Oxford, NUTTING of Androscoggin, Representatives: CANAVAN of Waterville, DAVIS of Augusta, NASS of Acton.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Include Oral Health Assessment with Other Preschool Testing for Maine's Children"

S.P. 737 L.D. 1936

Sponsored by Senator SULLIVAN of York.
Cosponsored by Representative DUDLEY of Portland, Representative SMITH of Monmouth and Senator: HOBBS of York, Representatives: BABBIDGE of Kennebec, BEAUDETTE of Biddeford, CAMPBELL of Newfield, MARRACHÉ of Waterville, PERRY of Calais.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Clarify the Workplace Smoking Laws"
S.P. 726 L.D. 1926

Sponsored by Senator TURNER of Cumberland.
Cosponsored by Representatives: CLARK of Millinocket, MILLER of Somerville and Senator: ROSEN of Hancock, Representative: AUSTIN of Gray.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Prevent State Taxpayers from Subsidizing Large Employers"

S.P. 727 L.D. 1927

Sponsored by President EDMONDS of Cumberland.
Cosponsored by Representative LERMAN of Augusta, Representative CANAVAN of Waterville and Representative: WEBSTER of Freeport.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act Permitting the Recycling of Unused Prescription Drugs"

S.P. 728 L.D. 1928

Sponsored by Senator SULLIVAN of York.
Cosponsored by Representative PERRY of Calais and Senators: MARTIN of Aroostook, MAYO of Sagadahoc, ROSEN of Hancock, Representatives: CAMPBELL of Newfield, GLYNN of South Portland, MARRACHÉ of Waterville, SHIELDS of Auburn, VAUGHAN of Durham.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Resolve, To Improve Retention, Quality and Benefits for Direct Care Health Workers"

S.P. 735 L.D. 1934

Sponsored by President EDMONDS of Cumberland.
Cosponsored by Senators: BRENNAN of Cumberland, BRYANT of Oxford, MAYO of Sagadahoc, ROTUNDO of Androscoggin, Representatives; DUDLEY of Portland, LERMAN of Augusta, PATRICK of Rumford, PINGREE of North Haven.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

On motion by Senator **MAYO** of Sagadahoc, **TABLED**
Unassigned, pending **REFERENCE**.

Off Record Remarks

Bill "An Act To Amend the Laws Governing All-terrain Vehicles"
S.P. 722 L.D. 1922

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative CRAVEN of Lewiston and
Senator: BRYANT of Oxford.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Bill "An Act To Revise Certain Fish and Wildlife Laws"
S.P. 740 L.D. 1939

Sponsored by Senator BRYANT of Oxford.
Cosponsored by Representative WATSON of Bath and Senator:
DIAMOND of Cumberland, Representatives: BRYANT of
Windham, PATRICK of Rumford.
Submitted by the Department of Inland Fisheries and Wildlife
pursuant to Joint Rule 204.

On motion by Senator **BRYANT** of Oxford, **REFERRED** to the
Committee on **INLAND FISHERIES AND WILDLIFE** and ordered
printed.

Sent down for concurrence.

Bill "An Act To Protect Health Insurance Consumers"
(EMERGENCY)
S.P. 736 L.D. 1935

Sponsored by Senator MARTIN of Aroostook.
Cosponsored by Representative BRAUTIGAM of Falmouth and
Senators: BRYANT of Oxford, President EDMONDS of
Cumberland, MAYO of Sagadahoc, Representatives: BRYANT of
Windham, CUMMINGS of Portland, HARLOW of Portland,
MARRACHÉ of Waterville, PILON of Saco, Speaker
RICHARDSON of Brunswick.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the
Committee on **INSURANCE AND FINANCIAL SERVICES** and
ordered printed.

Sent down for concurrence.

Bill "An Act Regarding Working Waterfront Covenants under the
Land For Maine's Future Board"
S.P. 730 L.D. 1930

Sponsored by Senator DAMON of Hancock.
Cosponsored by Senators: ANDREWS of York, SULLIVAN of
York, Representatives: SCHATZ of Blue Hill, RECTOR of
Thomaston, DUGAY of Cherryfield, PINGREE of North Haven,
EBERLE of South Portland, ASH of Belfast, BOWEN of Rockport.
Submitted by the State Planning Office pursuant to Joint Rule
204.

Bill "An Act To Implement Model Time-share Foreclosure
Procedures"
S.P. 732 L.D. 1932

Sponsored by Senator HOBBS of York.
Cosponsored by Representative KOFFMAN of Bar Harbor and
Senators: BRYANT of Oxford, DAMON of Hancock, DAVIS of
Piscataquis, President EDMONDS of Cumberland, HASTINGS of
Oxford, SAVAGE of Knox, Representatives: BRYANT of
Windham, DUPLESSIE of Westbrook, PELLETIER-SIMPSON of
Auburn, TARDY of Newport.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

On motion by Senator **HOBBS** of York, **REFERRED** to the
Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Protect Workers from Political Intimidation"
S.P. 724 L.D. 1924

Sponsored by President EDMONDS of Cumberland.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Committee on **LABOR** suggested and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **TABLED** until
Later in Today's Session, pending **REFERENCE**.

Bill "An Act To Strengthen Maine's Craft Brewing Industry"
S.P. 729 L.D. 1929

Sponsored by President EDMONDS of Cumberland.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to
the Committee on **LEGAL AND VETERANS AFFAIRS** and
ordered printed.

Sent down for concurrence.

At this point a message was received from the House of Representatives, borne by Representative CUMMINGS of Portland informing the Senate that a quorum of Representatives was assembled for the consideration of such business as may come before that Body.

Bill "An Act To Implement the Recommendations of the Governor's Task Force Regarding the Shutdown of the Maine Energy Recovery Company Trash-burning Facility in Biddeford"
S.P. 738 L.D. 1937

Sponsored by Senator HOBBS of York.
Cosponsored by Representative TWOMEY of Biddeford.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

On motion by Senator **MARTIN** of Aroostook, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Protect Maine's Groundwater Resources"
S.P. 725 L.D. 1925

Sponsored by President EDMONDS of Cumberland.
Cosponsored by Representative: ADAMS of Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **NATURAL RESOURCES** suggested and ordered printed.

On motion by Senator **MARTIN** of Aroostook, **TABLED** Unassigned, pending **REFERENCE**.

Bill "An Act To Change the Name of Little Island to Chickering Island"
S.P. 741 L.D. 1942

Sponsored by Senator BROMLEY of Cumberland.
Cosponsored by Senator: DOW of Lincoln.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Encourage Energy Independence for Maine" (EMERGENCY)
S.P. 731 L.D. 1931

Sponsored by Senator BARTLETT of Cumberland.
Cosponsored by Representatives: CLARK of Millinocket, DUGAY of Cherryfield, EBERLE of South Portland, NORTON of Bangor, WATSON of Bath.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

REPORTS OF COMMITTEES

Senate

Change of Committee

Senator DIAMOND for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Regulate Fire Alarm Contractors"

S.P. 524 L.D. 1508

Reported that the same be **REFERRED** to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Report **READ** and **ACCEPTED**.

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

Ought to Pass As Amended

Senator HOBBS for the Committee on **JUDICIARY** on Bill "An Act To Limit the Early Release of Persons Convicted of Certain Crimes"

S.P. 405 L.D. 1177

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-428)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-428) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Require the Department of Professional and Financial Regulation To Suspend Recently Enacted Rules Pertaining to the Office of Licensing and Registration, Board of Boilers and Pressure Vessels (EMERGENCY)

S.P. 611 L.D. 1653

Reported that the same **Ought Not to Pass.**

Signed:

Senator:

DOW of Lincoln

Representatives:

RECTOR of Thomaston
ROBINSON of Raymond
AUSTIN of Gray
BERUBE of Lisbon
O'BRIEN of Lewiston
SMITH of Monmouth
CROSBY of Topsham
JACOBSEN of Waterboro
FARRINGTON of Gorham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-427).**

Signed:

Senators:

BROMLEY of Cumberland
HOBBINS of York

Representative:

BEAUDETTE of Biddeford

Reports **READ.**

Senator **BROMLEY** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide for Department of Labor Services and Other Services in Unorganized Territories"

S.P. 438 L.D. 1258

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

PERRY of Penobscot
COURTNEY of York

Representatives:

HANLEY of Paris
CLARK of Millinocket
McCORMICK of West Gardiner
WOODBURY of Yarmouth
CLOUGH of Scarborough
HUTTON of Bowdoinham
SEAVEY of Kennebunkport
WATSON of Bath
DUDLEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-426).**

Signed:

Senator:

STRIMLING of Cumberland

Reports **READ.**

On motion by Senator **PERRY** of Penobscot, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED.**

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Off Record Remarks

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Provide Funding for the Low Income Home Energy Assistance Program" (EMERGENCY)

H.P. 1332 L.D. 1891

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, **READ TWICE**, without reference to a Committee.

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Senator **BRENNAN** of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator **BRENNAN** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **BRENNAN**: Thank you, Madame President. I want to take this opportunity to congratulate my seatmate, Senator Gagnon, on his birthday today. I'm going to turn it over to the Senator from Piscataquis, Senator Davis.

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate on the Record.

Senator **DAVIS**: Thank you, Madame President. Thank you, Senator Brennan. I just wanted to announce to the whole Senate, I did announce to the Republican caucus, today is the 35th anniversary of one of Senator Clukey's birthdays. I won't say which one; he has had a few. He's handled the years well in spite of him being my boss for several years. He's done well. Happy birthday to both of you. Thank you, Madame President.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later (1/04/06) Assigned matter:

Bill "An Act To Provide Funding for the Low Income Home Energy Assistance Program" (EMERGENCY)

H.P. 1332 L.D. 1891

Tabled - January 4, 2006, by Senator **BRENNAN** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED**, without reference to a Committee, in concurrence

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

(In House, January 4, 2006, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

(In Senate, January 4, 2006, under suspension of the Rules, **READ TWICE**, without reference to a Committee.)

On motion by Senator **COURTNEY** of York, Senate Amendment "A" (S-430) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY**: Thank you, Madame President, men and women of the Senate. This amendment is fairly simple and straightforward. What has happened, and many people I have talked to in the halls don't realize it, is there is a sales tax imposed for business heating fuel. The sales tax is based on the total purchase price. What has happened is that the \$1.25 a gallon oil price for heating a small business has gone up and now the tax is based on the \$2.50 price. Essentially, the tax for heating businesses has doubled. All this amendment would do is roll it back. The state has gained a lot of money out of this. I think if you look at the fiscal note, it's been a pretty good little windfall for the state. I think that with the commitment going forward in the original LIHEAP bill, here is an opportunity where we can start out this session and return that excessive money taken from businesses and perhaps help them make it through the winter as well. It will also help create jobs.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

Senator **BARTLETT** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-430).

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you, Madame President. While this amendment has a lot of logictives, and I certainly think we all need to think about the impact of energy prices on our small businesses, but I believe this is not the proper method of doing it. We came here today, as I understood it, because an agreement had been reached and that we would vote, up or down, on a particular proposal so we could put \$5 million into the LIHEAP funds in order to keep people warm this winter. A special session wasn't called prior to now because the agreement had been reached that this would be the first item that we would take up. This bill hasn't gone through the committee process because of its very limited scope. It was limited purely to adding some emergency funds to try to get us through the winter. Unfortunately this amendment adds new ideas, new concepts that should properly be vetted before the relative committee of jurisdiction before it be taken up. Personally, I've only seen this amendment this afternoon. I have not had an opportunity to fully vet it to determine whether it fits in with a larger strategy that we're developing to deal with energy prices, not only in the immediate future but also over the next decade. For those reasons, I urge you to support the motion for indefinite postponement. It's not that I think these ideas are bad or not worthy of consideration; it would appear that this is not the proper venue for them to be addressed.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I appreciate the comments. I agree there might be a better way to do it. We tried to do that through the Legislative Counsel and submit this last month as a bill. It would have been better to do that. However, the need is there. The need for small business, the need for jobs. We go around and we tell people and businesses, we have the big rallies and we stand up behind the podium and tell people what we're going to do for businesses. We have an opportunity to do it, at no additional cost to the state because it won't cost the state any more than it did two years ago before the fuel prices went up. That's why I feel we should keep this issue alive. We need to keep talking about it. I would urge you all to look deep and go for it. This is an excellent way to stand up and show that you support small businesses in Maine. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you, Madame President. My fundamental goal in coming here today is to make sure that we get \$5 million into the LIHEAP funds so that nobody freezes this winter. I think it is a shame to endanger those funds and the people who rely on them, the most vulnerable people in our society, including a number of seniors who simply do not have the resources to full up their tanks with oil. Although, again, I think the goal of helping small businesses is a laudable one, and I hope that we can address it later on in the session, I simply do not think

it's appropriate to endanger these funds at the time when they are needed most.

THE PRESIDENT: The Senator from York, Senator Courtney, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **COURTNEY:** Thank you, Madame President. Nobody wants to slow this thing up. Nobody wants to not get the funds for the LIHEAP program. I think we all agree to that. I think that this is just an opportunity where we can stand up and be counted and maybe not just provide funds for LIHEAP but to provide funds so maybe somebody can keep their job so they won't need LIHEAP. I will continue to fight for this and I hope that we'll be able to make the argument. Maybe I don't make a good enough argument on this issue. I think it's very very clear, the state is collecting double on heating oil for small businesses than what it collected two years ago. If we don't pass this, this Legislature is saying we can pass along raising that tax. If that's the case, that's fine. I can't sit here without speaking out. Thank you, Madame President.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. I am usually the last one to be talking about the fact that leadership didn't let a bill of mine in, but I would just remind the good Senator and all of the members of this body that there is a way around leadership, provided for in the rules, that allows the good Senator and any Senator to put in an order to call a bill from the committee. We should not be spending time on an amendment that is proper for a bill, as is this item before us. We were going to come in for a special session. It was postponed in the hopes that the very first action we would take would be this item. It ought to be clean and clear. If the good Senator and others want to deal with the other issue, there are ways to do it.

On motion by Senator **DAVIS** of Piscataquis, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#303)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY, DAVIS, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

ABSENT: Senators: COWGER, MITCHELL

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **BARTLETT** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-430), **PREVAILED**.

PASSED TO BE ENGROSSED, without reference to a Committee, in concurrence.

Ordered sent forthwith to the Engrossing Division.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Emergency Measure

An Act To Provide Funding for the Low Income Home Energy Assistance Program

H.P. 1332 L.D. 1891

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

Senator **ROTUNDO:** Thank you, Madame President, men and women of the Senate. Normally this bill would have been placed on the Appropriations Table and the Appropriations Committee would have then met to exempt the bill from the table. Because of the urgency and seriousness of making sure that residents of Maine are kept warm this winter and because of the support this bill enjoys on both sides of the aisle, the chairs and leads of the Appropriations Committee decided not to place that bill on the table in order to move forward as quickly as possible and to help get some home heating oil assistance to those in need in this state as quickly as possible. Thank you.

On motion by Senator **DAVIS** of Piscataquis, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#304)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, NASS, NUTTING, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: None

ABSENT: Senators: COWGER, MITCHELL, PERRY

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senator **BRENNAN** of Cumberland was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, January 10, 2006, at 10:00 in the morning.